

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS ALMATY 000409

SIPDIS

SENSITIVE

DEPARTMENT FOR DRL/PHD (PDAVIS) DRA/CRA (ERAMSBORGER)  
EUR/CACEN (JMUDGE)

E.O. 12958: N/A

TAGS: [PHUM](#) [KDEM](#) [PREL](#) [PGOV](#) [ELAB](#) [KPAO](#) [KSEP](#) [KZ](#) [POLITICAL](#)  
SUBJECT: 2004-05 SUPPORTING HUMAN RIGHTS AND DEMOCRACY: THE  
U.S. RECORD IN KAZAKHSTAN

REF: 04 STATE 267453

11. (SBU) The following is the draft summary of U.S. strategy and efforts to combat human rights abuses and bolster democracy in Kazakhstan for 2004-05.

BEGIN DRAFT STRATEGY TEXT:

In Kazakhstan, the United States forcefully advocated support of human rights and democracy, emphasizing that bilateral cooperation on economic and security issues is a complement, not a substitute, for meaningful progress. Throughout 2004, the U.S. mission's human rights and democracy strategy looked to build on the positive steps forward in 2003 with special emphasis on preparations for the September parliamentary elections. The U.S. mission focused on building a legal environment and supporting civil society development that would help create an environment for elections that meet international standards.

The Embassy vigorously urged the GOK to draft an election law that would meet international standards. Prior to the elections, Kazakhstan adopted and passed an elections law that, while not fully meeting international standards, was an improvement over existing legislation. While the OSCE ultimately determined that the elections fell short of international standards, U.S. diplomatic efforts and assistance contributed to a more open pre-election environment. The Embassy also advocated rejection of a flawed media law that would have impeded freedom of speech, in particular campaign reporting, and regularly raised concern over a series of legal actions aimed at independent media. After much public debate and criticism of the media law, President Nazarbayev vetoed the legislation. An Almaty court dropped criminal libel charges against one journalist due to lack of evidence. The Deputy Secretary, the Assistant Secretary for European and Eurasian Affairs, the Ambassador, and other U.S. mission members advocated the registration of opposition political party Democratic Choice of Kazakhstan (DCK). We continued to encourage the Government of Kazakhstan to find a just resolution in the case of DCK leader Galymzham Zhakiyanov, convicted in 2002. DCK was ultimately registered in time to participate in the elections, and Zhakiyanov was moved from a "strict regime" prison to a penal colony with greater freedom of movement and interaction. At year's end, DCK faced a legal action to "dissolve" the party based on a statement adopted at its December 11 party congress that rejected the government's legitimacy and called for civil disobedience. The Ambassador raised the case with a range of senior Kazakhstani officials and encouraged an approach that would permit the party to continue to function.

In tandem with our diplomatic engagement, the Freedom Support Act funded a range of activities in support of human rights and democratic reform. During the run up to the September parliamentary elections, U.S. government provided non-partisan, capacity-building support to improve political party, civil society, and independent media participation in the electoral process. U.S. officials, including more than half of the Embassy's officers, volunteered for the OSCE/ODIHR election observation mission. Two USAID implementing partners, the National Democratic Institute and the International Republican Institute, conducted more than 58 training sessions across Kazakhstan, covering all registered political parties. A Department of State grant enabled local NGO Association of Sociologists and Political Scientists (ASIP) to conduct a nationwide voter exit-poll. Assisted by a USAID grant, the local NGO Republican Network of Independent Monitors (RNIM) conducted a Parallel Vote Tabulation Report comparing local precincts' election night protocols to the Central Election Commission's final vote count. The RNIM report highlighted serious irregularities in the CEC's vote tabulation, providing quantitative evidence to support qualitative concerns expressed in the OSCE/ODIHR field mission's final elections report.

In addition to supporting political party development and transparency in the electoral process, the United States

promoted democratic progress by providing funding to NGOs engaged in non-partisan voter engagement and education. U.S.

grant assistance funded the Youth League of Voters, a project run by Kazakhstani NGO Youth Information Service of Kazakhstan; other U.S. assistance funds underwrote a "Youth in Elections" national debate tournament. USAID managed a \$300,000 small grants fund in which 31 grants were awarded to 25 NGOs and six media outlets, with most grants focusing on voter information campaigns and voters' rights. U.S. grant programs also enabled six independent stations to produce election-focused talk shows and debate programs. The United States funded a contest eliciting election-related Public Service Announcements (PSAs) resulting in rebroadcast of six PSAs and seven radio jingles by 16 television and 17 radio stations.

Support for the rule of law and a strong civil society remained a fundamental goal of U.S.-funded training programs for NGOs and Kazakhstani officials. Lawyers provided 387 consultations to civil society organizations during the year through a variety of U.S.-funded programs. Strengthening the skills of the next generation of Kazakhstani attorneys, a U.S.-funded pro bono tax clinic at Turan University trained 20 students in practical skills and provided aid to 240 indigent clients. This year's Jessup International Moot Court Competition, which provides an opportunity for law students to practice and develop their written and oral advocacy skills and to learn about trial tactics and substantive areas of international law, drew a record-breaking 126 participants. The American Bar Association's Central European and Eurasian Law Initiative also completed the first Judicial Reform Index, funded by a grant from USAID. This index gives a comprehensive overview of the strengths and weaknesses of the current legal system, providing a roadmap for future advocacy and capacity building.

For 2003-2004, the country's premier human rights NGO, Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), was awarded one of ten \$50,000 grants given by the Department of State's DRL bureau for a project to support human rights and foster civil society. The KIBHR program trained 20 human rights defenders in international legal standards, enforcement mechanisms, networking, advocacy, and prison monitoring. Another U.S.-funded program enabled KIBHR to expand its network to six more regional centers, giving the NGO coverage throughout Kazakhstan.

Through USAID, the United States provided \$252,000 in institutional grants in 2004. Civic development grants went to NGO programs focused on youth, women, the elderly, and the disabled. A new civic advocacy component was added to USAID's civil society program, enabling more resources to be devoted to advocacy campaigns, skills, and membership-based NGOs. The Embassy's Democracy Commission awarded an additional \$220,000 in grants to NGO projects, including projects focused on providing professional development for NGO associations and for local government officials, improving cooperation between NGOs and the government, and providing education to officials and legal support to prisoners to discourage and reduce incidents of prisoner abuse. International Visitor Programs sent small groups of Kazakhstani citizens to the United States to meet with subject matter experts; topics of 2004 programs included Trafficking in Persons, independent media, and religious diversity. During reporting trips around the country throughout the year, Embassy officers followed up with current and former grantees and IV alumni; these visits helped the Embassy better target future grants and programs. Most grantee NGOs had accomplished the goals set, and Embassy officers noted that IV alumni often remembered the program as a life-changing event.

Assistance and training for NGOs was complemented by U.S.-funded professional skills training for Kazakhstani law enforcement. The Embassy organized professional development seminars for the press relations officers of local prosecutors' offices to encourage effective publicity of anti-trafficking in persons efforts and better relations with media outlets. The Department of State's Bureau of International Narcotics and Law Enforcement (INL) conducted educational seminars for policeman and local government

authorities that touched on several human rights issues, most notably combating trafficking in persons, promotion of the rule of law through introduction of a jury system, and training that focused on evidence-based, versus "confession-based," crime investigation techniques. Moving away from "confession-based" criminal investigations will serve the dual purpose of sharpening law enforcement investigative accuracy while reducing reliance on a system that promotes abuse of detainees.

The United States continues to encourage the government of Kazakhstan to live up to its OSCE commitments to support human rights and promote democracy. Kazakhstan's success in areas such as promotion of religious diversity and combating trafficking in persons provide good examples for progress in other areas. The United States will remain committed to non-partisan promotion of political pluralism and governance that reflects the political will of its citizens, and will remain engaged with the government of Kazakhstan at every level to reiterate that commitment.

END DRAFT TEXT

12. (U) Addendum listing USG-funded human rights and democracy programs of USD 100,000 or more will be sent via septel.

13. (U) Dushanbe minimize considered.

ORDWAY

NNNN